

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOSE LUIS RODRIGUEZ,
TDCJ No. 2148738

v.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 3:20-CV-0359-S-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct, and they are **ACCEPTED** as the Findings and Conclusions of the Court. Petitioner's "Motion to Dismiss Constitutional Error" [ECF No. 34] is construed as a successive habeas corpus petition and transferred to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3). Because an order transferring a successive application is not a final order, a certificate of appealability is not needed. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015); *Brewer v. Stephens*, 605 F. App'x 417, 417 (5th Cir. 2015) (per curiam).

SO ORDERED.

SIGNED December 7, 2023.


UNITED STATES DISTRICT JUDGE